



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

RONALD AND RHONDA COCHRAN,
as next friend of J.C.,
Plaintiffs,

v.

JAMES PELLOAT and
NEWTON COUNTY INDEPENDENT
SCHOOL DISTRICT,
Defendants.

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CASE NO. 1:05CV217

MEMORANDUM ORDER
ADOPTING REPORT AND RECOMMENDATION ON DEFAULT JUDGMENT

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court heretofore referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of pretrial matters and entry of a report and recommendation and/or findings of fact on dispositive motions. Pending before the Court is the Plaintiffs' *Motion for Default Judgment* [Clerk's doc. #33].

On May 23, 2006, Judge Giblin entered his report on the pending motion for default judgment. After conducting a show cause evidentiary hearing on the matter, he issued findings and a recommendation in his report. Judge Giblin recommended that this District Court grant the Plaintiffs' motion and enter default judgment against Defendant, James Pelloat. He further

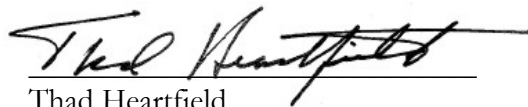
recommended that this Court enter judgment in favor of Plaintiffs with an award of \$5,000,000.00 in damages in satisfaction of Plaintiffs' claims against the Defendant.

To date, no party has filed objections to Judge Giblin's report. The Court has reviewed the motion for default judgment and Judge Giblin's findings and recommendation. After consideration, the Court agrees with the Magistrate's *Report and Recommendation*.

Accordingly, the Court **ORDERS** that the Judge Giblin's *Report and Recommendation on Motion for Default Judgment* [Clerk's doc. #38] is **ADOPTED**. Pursuant to the Magistrate Judge's recommendation, the Court further **ORDERS** that the Plaintiffs' *Motion for Default Judgment* [Clerk's doc. #33] is **GRANTED**.

The Court will, accordingly, enter final judgment separately in favor of Plaintiffs and awarding damages in an amount of \$5,000,000.00, plus costs of court, and bearing the applicable post-judgment interest, compounded annually, until paid. The applicable interest rate will be reflected in the final judgment, as recommended by Judge Giblin.

SIGNED this the **23** day of **June, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge